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July 3, 1946.

DIRECTIVE OF THE PRESIDENT ON IMMIGRATION TO THE UNITED STATES OF CERTAIN GERMAN AND AUSTRIAN SPECIALISTS IN SCIENCE AND TECHNOLOGY

MEMORANDUM TO: THE SECRETARY OF STATE
THE ATTORNEY GENERAL
THE SECRETARY OF WAR
THE SECRETARY OF THE NAVY
THE SECRETARY OF COMMERCE

There are now present in the United States in military custody or in the U.S. occupied zones of Germany and Austria certain German and Austrian specialists in science and technology who possess knowledge of great value to the United States and whom the War and Navy Departments urgently desire to exploit within the United States on long-range projects in the national interest. The War and Navy Departments believe that present restrictions surrounding the exploitation within the United States of such persons in the national interest, such as separation from their families, concern over their future after physical confinement, tend to destroy the incentives for these specialists to perform their best work; and that it is desirable to facilitate the permanent immigration to the United States of such of these persons as desire to immigrate and will exert themselves to the full to make a positive contribution in long-range exploitation projects for the national security of the United States, and whose ability and skill are of such extraordinary character that as

permanent

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permanent residents they would enrich American life and make a permanent and outstanding contribution to our science or technology.

Among the German and Austrian specialists now in the United States in military custody or in the U.S. occupied zones of Germany or Austria, there are a number who [illegible] the view of the Department of Commerce will serve the national interest if they were permitted to enter the United States to be exploited by government departments or agencies, non-profit institutions of learning or research, and under certain circumstances, private business enterprises. The type of person whose entry for such civilian purposes is contemplated by the Department of Commerce is restricted to German and Austrian specialists who, it is believed, and would in all likelihood make a positive contribution to the scientific and industrial efforts of the United States. Such men would include eminent physicists, outstanding chemists, Nobel prize winners and leaders in many fields of scientific research and development whose contribution, added to our own, would advance the frontiers of scientific knowledge for the national benefit. The results of the research of such specialists would, as far as possible, be made available to the public. It is, therefore, contemplated that specialists would be employed primarily by government departments or agencies and non-profit institutions of learning or research, and that in the unusual case where employment by a private business enterprise seemed desirable every effort would be made to assure that other interested enterprises should benefit from the employment, as for example, by the establishment of a

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of a university fellowship or by an annual or term grant to a university. In all cases appropriate arrangements would be required to assure that the public interest is protected, as for example, assurance that any resulting patents would be freely licensed on a non-exclusive basis at reasonable royalties.

Preliminary exploration of this subject has been carried on by the Joint Chiefs of Staff, with the assistance of other agencies in the Government, with a view to the identification and selection of such specialists and the establishment of appropriate procedures to assure that the entry of such persons, and of those members of their immediate families who are dependent upon them for support and whose presence in this country would increase the incentive for maximum effort, will be in accordance with the letter and spirit of the immigration laws and regulations, the internal security interests, and the international commitments and announced policies of the United States in relation to the control of German and Austrian scientists and technicians. The War and Navy Departments are, therefore, prepared through the Joint Chiefs of Staff to sponsor immigration of selected specialists, limiting their sponsorship to those cases in which they can certify that all the necessary requirements of law and of policy of the United States have been met.

The Department of Commerce has undertaken the function of implementing the program for the exploitation of German-Austrian specialists for civilian purposes.

The Secretary

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The Secretary of State and the Attorney General through the Immigration and Naturalization Service shall, within the limits of administrative discretion, facilitate such entry. They shall assign, if necessary, personnel and funds of their respective Departments to the extent not otherwise obligated to facilitate the program of the War, Navy and Commerce Departments hereunder. Applicants for visas under this program shall, when they have otherwise complied with the provisions of law and regulations with respect to the obtaining of visas, receive priority treatment for themselves and the immediate members of their families within existing quotas subject, however, to the preferences created by law and prior directives, and particularly by my directive of December 22, 1945, relating to displaced persons and refugees. Applicants under the sponsorship of the War and Navy Departments shall receive priority over applicants under the sponsorship of the Commerce Department hereunder.

You are instructed in proceeding under the present directive to bear in mind the following paramount considerations:

1. This directive is to be limited to a small number of persons not exceeding, apart from members of their families, ninety persons for Germany and ten persons for Austria, and they shall so far as possible be selected in the order of priority of their ability and accomplishment and their usefulness to the national security of the United States.

2. The members of the immediate families of such persons, for whom priority treatment is requested, shall qualify

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qualify otherwise under the applicable laws and regulations and you must be satisfied that their presence in the United States is reasonably necessary to insure the mental well-being of the specialists and that they are properly and necessarily dependent upon the specialists in question for economic support.

3. The sponsoring agencies must make every reasonable attempt to obtain from such specialists the maximum contribution in the national interest in the respects for which their immigration is sought and permanent immigration should be granted under this directive only where temporary arrangements are not sufficient.

4. It is the policy of the United States that no individual likely to form part of any plan for the resurgence of German military potential, whether by returning to Germany at a future date or by transmitting information thereto directly or indirectly, shall be eligible for a visa, or for entry as an immigrant or non-immigrant, and so far as possible, no such person shall be permitted to engage in any activity within the United States which would be prohibited to him in the United States Occupied Zones of Germany or Austria, nor shall any person be eligible for such visa or entry if he is likely to facilitate the making or execution of any unlawful arrangements in restraint of international trade, or to act otherwise within the United States on behalf of any German or Austrian economic, industrial or scientific enterprise, cartel, or other activity not approved by the Secretary of State and the Attorney General as in the interest of the United States.

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It is also the policy of the United States not to permit visas or entry as immigrants or non-immigrants of any persons whose activities in the United States are likely to constitute a violation of the letter or the spirit of the international commitments and measures adopted by the United States with respect to the government or occupation of Germany or Austria, or with respect to the treatment of Germans in the Western Hemisphere, or in any other country outside of Germany or Austria.

5. You are, therefore, directed to make thorough investigation and all necessary observation and surveillance of the specialists, their families, and their affiliations before permitting entry into the United States; for this purpose you shall in general not grant permanent immigration status to any such person until an adequate period of observation and surveillance by skilled personnel has taken place both with respect to security and to the other requirements of this directive. You shall take necessary and feasible measures to assure that no person admitted under this directive shall endanger himself or be used in violation of the policies above set forth.

6. Adequate provision shall be made that aliens who have entered under the sponsorship of the War and Navy Departments and cease to be exploited by them shall thereupon be exploited under the sponsorship of the Department of Commerce, as herein provided, or that they promptly leave the United States having due regard for the protection of the national security or that they be treated as individual applicants for entry without

sponsorship

sponsorship of the character herein described. So far as possible, no permanent immigration status shall be granted to any applicant until satisfactory assurance is obtained that the exploitation of the applicant as a specialist shall, at all times, be in accordance with the provisions of this directive.

7. You are directed to apply, as far as feasible, all of the provisions with respect to security and policy herein set forth to all applicants for entry into the United States from Germany and Austria who are specialists in science or technology except that such persons not sponsored by the Departments above-mentioned as hereinabove set forth shall not enjoy the benefits of priority or preference of treatment accorded to specialists so sponsored.

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